

NAYS—8

Blumenthal	Merkley	Warren
Booker	Sanders	Wyden
Gillibrand	Udall	

NOT VOTING—3

Isakson	Kaine	Sessions
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The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senate will proceed to the consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of MIKE POMPEO, of Kansas, to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. The Senate majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF JOHN KELLY

Mr. DURBIN. Mr. President, I voted in favor of the nomination of Gen. John Kelly to be U.S. Secretary of Homeland Security, and I am submitting this statement to explain my vote.

This nomination is not a referendum on President Donald Trump's immigration policy. If it were, I would have voted against the nomination.

In considering this nomination, the questions are whether General Kelly is unqualified to serve as Homeland Security Secretary and whether his views are too extreme to lead our homeland security and immigration enforcement efforts. In my view, General Kelly easily passes both tests.

Gen. John Kelly is clearly qualified to head up the Homeland Security Department. He served honorably in the U.S. Marine Corps for more than four decades, first as an enlistee and later as an officer, culminating in his role as commander of U.S. Southern Command. As SOUTHCOM commander, Kelly oversaw a variety of operations in the Caribbean, Central America, and South America from headquarters in Miami.

General Kelly knows better than most what is at stake in our efforts to protect our Nation from harm. He served three tours in Iraq, and in 2010, his son, Marine 1st Lt. Robert Michael Kelly, 29, was killed in southern Afghanistan while leading his platoon on a combat patrol when he stepped on a concealed bomb. He is the highest ranking military officer to lose a child in combat in Afghanistan or Iraq.

I am sure that I will disagree with General Kelly on some occasions, but

he does not have a track record of extreme statements on immigration or the other issues that will be under his jurisdiction as Homeland Security Secretary.

I know that some of my Democratic colleagues voted against General Kelly's nomination because he refused to publicly commit to keeping the Deferred Action for Childhood Arrivals—DACA—program in place and to protecting DACA recipients from deportations. Reasonable people can disagree, and I respect my colleagues who are voting against General Kelly's nomination, but I don't believe this justifies opposing this nomination.

There is no one in the Senate who is more committed than I to protecting the DACA program and no one who has worked harder to protect the young immigrants who are eligible for this program. Seven years ago, I was the first Member of Congress to ask President Obama to establish the DACA program. DACA is based on the DREAM Act, legislation I first introduced 16 years ago that would give undocumented students who grew up in this country a chance to earn their citizenship.

The young people who are eligible for DACA and the DREAM Act are known as DREAMers. Over the years, I have met hundreds of DREAMers and I have come to the floor more than 100 times to tell these DREAMers' stories, which make the case for DACA and the DREAM Act better than I ever could.

Last week, General Kelly came to my office to meet with me. We spent most of our time discussing DACA and the DREAMers. General Kelly promised me that, if he was confirmed, he would be a part of the discussions about the future of DACA. He said that he felt strongly that DREAMers should be protected from deportation and that he would fight for that view. General Kelly also committed that he would come to Chicago with me to meet with a group of DREAMers and to visit an immigration detention center, so that he would understand the human impact of the laws he will be enforcing.

Based on these assurances, I am pleased to be able to support General Kelly's nomination. But let me be clear. If General Kelly supports an effort by the new administration to rescind DACA or deport DREAMers, I will fight him tooth and nail.

I congratulate General Kelly on his confirmation, and I look forward to working with him on the critical issues under his jurisdiction, especially the future of DACA and the DREAMers.

Mr. UDALL. Mr. President, today I voted against the confirmation of General John Kelly to be Secretary of Homeland Security. I have deep concerns about the homeland security policies that President Trump advocated during the campaign, and I worry that as Secretary of Homeland Security, General Kelly will feel it necessary to work to advance those reckless policies. For instance, General

Kelly was unable to promise the Senate that the administration will refrain from deporting our nation's DREAMers, and I am troubled by his stated plans to reverse the Deferred Action for Child Arrivals, DACA, program. Furthermore, General Kelly did not provide sufficient assurance that he fully opposes the President's wasteful and misguided plan for a border wall.

However, now that he has been confirmed, it is my hope that Secretary Kelly will be the voice of reason in the deliberations to shape the Trump administration's homeland security policy and that many of the reckless ideas candidate Trump espoused during the election will never become reality.

While I voted against General Kelly, I recognize and appreciate his long and distinguished career in the marines. I believe this experience, particularly his final assignment as head of the U.S. Southern Command, will serve him well. In addition, I am encouraged by several statements General Kelly made during his confirmation hearing—statements that are at odds with the dangerous comments President Trump made during the campaign.

At the hearing, General Kelly spoke out against the use of torture and said the U.S. should always abide by the Geneva Conventions. He did state that building a wall along the southern border was not an effective way to secure the border, though he has not promised to oppose such a plan. He agreed with the intelligence community's assessment that Russia was responsible for hacking into our elections. He said that surveilling mosques and targeting Muslims as security threats was unacceptable. Finally, he said the sweeping collection of data on Americans violated the right to privacy and a much more focused effort is needed.

General Kelly has a reputation for speaking truth to power—I sincerely hope he does so as a member of the Cabinet, and I hope the President will listen. New Mexico is a majority-minority border State with thousands of hard-working families now living in fear of President Trump's immigration plans. Unfortunately, I am deeply concerned that General Kelly will be the instrument of the President's harmful and backwards homeland security agenda.

CONFIRMATION OF JAMES MATTIS

Mr. UDALL. Mr. President, Gen. Jim Mattis is an extraordinary individual and an American patriot who has dedicated his life to service of country.

Nevertheless, his nomination did concern me, given that it was contrary to underlying law that has been in place since World War II. This law restricts individuals who have come out of the military less than 7 years ago from serving as Secretary of Defense. The reason for this longstanding law is to ensure civilian control over the military. Civilian control is an important American tradition which General